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U.S. Department of State

Grenada Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

GRENADA

Grenada is a parliamentary democracy, with a Governor General as titular Head of State. In June 1995 parliamentary elections, Prime Minister Dr. Keith Mitchell's New National Party (NNP) won 8 of 15 seats and formed a majority government. The elections were openly and fairly contested, and were free of violence. Since the elections, 2 members of the opposition joined the Government to give it 10 seats in Parliament.

The 750-member Royal Grenada Police Force is responsible for maintaining law and order. It is controlled by and responsive to civilian authorities.

Grenada has a free market economy based upon agriculture and tourism. The real economic growth rate was 2.6 percent for 1995, and the government-estimated annual growth for 1996 was 3 percent.

Citizens enjoy a wide range of civil and political rights. Human rights problems included allegations of police brutality in the course of criminal investigations, but there were no documented cases. The Commissioner of Police has spoken out strongly against police use of unlawful force. Violence against women is common.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reported incidents of torture. Flogging, a legal form of punishment, is rare but has been used recently in sex crime and theft cases.

The press occasionally reported claims of police brutality, some of which arose following the complainants' alleged attempts to resist arrest. Allegations of police brutality are investigated internally by the police, with no disciplinary actions reported for 1996. No one brought a case of police brutality before the courts during the year. The Police Commissioner can discipline officers in valid cases of brutality with penalties that may include dismissal from the force. The Police Commissioner has spoken out strongly against police use of unlawful force.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law provides the police with the right to detain persons on suspicion without a warrant, but they must bring formal charges within 48 hours. The police adhered to this time limit in practice. If the police do not charge a detainee within 48 hours, they must release the person.

The law provides for a judicial determination of the legality of detention within 15 days after arrest on a criminal charge. The police must formally arraign or release a detained person within 60 days, and the authorities generally followed these procedures. There is a functioning system of bail, although persons charged with capital offenses are not eligible. Persons charged with treason may be accorded bail only upon recommendation of the Governor General.

Exile is not practiced.

e. Denial of Fair Public Trial

The judiciary, a part of the Eastern Caribbean legal system, is highly regarded and independent. Final appeal may be made to the Privy Council in the United Kingdom. There are no military or political courts. Those arrested on criminal charges are brought before the independent judiciary. Following a determination by a judicial hearing that there is sufficient evidence to substantiate a criminal charge, the judge remands the defendant for trial.

The law provides for the right to a fair public trial, and the authorities observe it in practice. There is a presumption of innocence, and the law protects persons against self-incrimination and requires the police to explain a person's rights upon arrest. The accused has the right to remain silent and to seek the advice of legal counsel. A defense lawyer has the right to be present during interrogation and may advise the accused how to respond or not to respond to questions. The accused has the right to confront his

accuser.

The court appoints attorneys for indigents only in cases of murder or other capital crimes. In other criminal cases that reach the appellate stage, the court will similarly appoint a lawyer to represent the accused if he was not previously represented or reappoint the defendant's earlier counsel if the appellant can no longer afford the lawyer's services. Due to the backlog of cases caused by a shortage of judges and facilities, up to 6 months can pass before those charged with serious offenses face trial in the high court. With the exception of murder and foreign-born drug suspects, the courts grant most defendants bail while awaiting trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for protection from these abuses, and there were no reports of such actions. The law generally requires judicially issued warrants for searching homes, except in cases of hot pursuit. The Firearms Act of 1968 and the Drug Abuse Prevention Act Number 7 of 1992 contain other exceptions that give the police and security units legal authority to search persons and property without warrants in certain circumstances. In practice, police obtain warrants in the majority of cases before conducting any search.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government does not restrict these rights. There are four weekly newspapers and several newspapers which publish irregularly. One of the weeklies is affiliated with an opposition political party, but the three most widely circulated newspapers are independent and often critical of the Government. The newspapers frequently carry press releases by the opposition parties, one of which regularly provides a weekly column expressing the opposition party's views.

Grenada has four radio stations. The main station is part of the Grenadian Broadcasting Corporation (GBC), a statutory body not under direct government control. Grenada's main television station is also part of the GBC. A privately owned television station began broadcasting in 1992, when a cable company began operating in the capital area with plans to expand eventually throughout the country. Throughout 1996 the television news often carried reports on opposition activities, including coverage of the political rallies of the various political parties and candidates, public forums featuring political leaders of each of the major parties, and other public service broadcasts. The Government granted several new licenses for radio stations during the year.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble for any peaceful purpose. Supporters of political parties meet frequently and hold public rallies; the authorities require permits for the use of a public address system but not for public meetings themselves.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country, and all citizens have the right to enter and leave the country, except in special circumstances as outlined in and limited by the 1986 Act to Restrict the Freedom of Movement of Certain Persons. This law allows the Minister for National Security to restrict travel out of Grenada by any person whose aims, tendencies, or objectives include the overthrow of the democratic and parliamentary system of government; it has not been invoked in the past few years. Anyone so restricted may appeal after 3 months to an independent and impartial tribunal. The Chief Justice appoints an accredited lawyer to preside over such a tribunal.

No formal government policy toward refugee or asylum requests exists. The issue of provision of first asylum did not arise. There were no reports of forced expulsion of anyone having a valid claim to refugee status; however, government practice remains undefined.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The next parliamentary elections must be held by October 2000.

There are no restrictions in law or practice on participation by women in government and politics. Three of the 15 elected members of Parliament are women, as well as 1 of the 13 appointed Senators (who also serves as Deputy President of the Senate). Women account for 8 of the 12 permanent secretaries, the highest civil service position in each ministry; in addition, a woman is the Cabinet Secretary, the highest civil service position in the Government.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local human rights groups operate without government restriction, and the Government cooperates with visits from international human rights organizations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based upon race, place of origin, political opinions, color, creed, or sex, and the Government generally adheres to these provisions.

Women

Knowledgeable women's rights monitors report that violence against women is common and that most cases of spousal abuse go unreported. The police confirm that most cases of alleged abuse are not reported and others are settled out of court. Grenadian law stipulates a sentence of 15 years' imprisonment for a conviction of rape. Sentences for assault against a spouse vary according to the severity of the incident. There is no evidence of official discrimination in health care, employment, or education. Women frequently earn less than men performing the same work; such wage differences are less marked for the more highly paid jobs.

Children

The Social Welfare Division within the Ministry of Labour provides probationary and rehabilitative services to youths, day care services and social work programs to families, assistance to families wishing to adopt or foster children, and financial assistance to the three children's homes in Grenada run by private organizations.

The Government reported 40 cases of child abuse during the year. The law provides for harsh penalties against those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest.

People with Disabilities

The law does not protect job seekers with disabilities from discrimination in employment, nor does it mandate provision of accessibility for public buildings or services. The National Council for the Disabled, which receives a small amount of financial assistance from the Government, was instrumental in placing visually impaired students into community schools, which were previously reluctant to accept them in some cases. The Council also approached architects to assist in construction of ramps at various hotels and public buildings, and ramps have already been installed at some hotels.

Section 6 Worker Rights

a. The Right of Association

All workers are free to organize independent labor unions. Labor Ministry officials estimate that the percentage of the work force that is unionized is between 20 and 25 percent. Union leaders play a significant role in the political process, and one labor leader serves in the Senate on behalf of the Grenada Trades Union Council (GTUC).

Workers in the private and public sectors are free to strike, once legal and procedural requirements are met. There were several incidents of industrial action, including strikes, but all were short-lived and settled with the intervention of the Ministry of Labor or the Prime Minister. All unions are technically free of government control, and none receive government financial support. However, all the major unions belong to one umbrella labor federation, the GTUC, which is subsidized by the Government. The GTUC holds annual conventions and determines some policies for member unions. The GTUC and its unions freely affiliate with regional and international trade union groups.

b. The Right to Organize and Bargain Collectively

Workers are free to organize and to participate in collective bargaining. Legislation requires employers to recognize a union that represents the majority of workers in a particular business. The law prohibits discrimination by employers against union members and organizers. If a complaint of discrimination arises, mechanisms exist to resolve it. After all avenues for resolving a complaint have been exhausted between union representatives and employers, both sides may agree to ask for the assistance of the Labor Commissioner. If the Labor Commissioner is unable to find a resolution to the impasse, the Minister of Labor intervenes and, if unable to reach an agreement, may appoint an arbitration tribunal if both parties agree to abide by its ruling. The law requires employers found guilty of antiunion discrimination to rehire dismissed employees, but in most cases the employee accepts the option of compensation. There were no cases of antiunion discrimination reported to the Ministry in 1996.

Unions may organize and bargain anywhere in the country, including, in theory, export processing zones (EPZ's), which are not exempted from Grenada's labor legislation.

c. Prohibition of Forced or Compulsory Labor

The Constitution specifically prohibits forced labor, and there were no reports of it.

d. Minimum Age for Employment of Children

Child labor is illegal and does not occur. The statutory minimum age for employment of children is 18 years. Inspectors from the Ministry of Labor enforce this provision in the formal sector by periodic checks. Enforcement efforts in the informal sector are lax.

e. Acceptable Conditions of Work

Legislation sets minimum daily wage rates for the agricultural, industrial, and commercial sectors. Most recently revised in 1994, minimum wages for farm laborers are \$5.73 (EC\$15.48) per day for men and \$5.33 (EC\$14.40) for women. Most workers, including nonunionized ones, receive other benefits from their employers through the collective bargaining agreements reached with that firm's unionized workers. Even when these benefits are added to wages from a full-time minimum wage job, it is insufficient to provide a decent standard of living.

The law does not prescribe a set number of hours as the standard workweek, except for the public sector which is expected to work a 40-hour week Monday through Friday. The normal workweek in all sectors seldom exceeds 40 hours, although in the commercial sector this includes Saturday morning work.

The Government sets health and safety standards, but they are minimal, and the authorities do not effectively enforce them. Workers can remove themselves from dangerous workplace situations without jeopardy to continued employment.

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